

**INVESTIGATOR'S REPORT ON APPEAL OF ADMINISTRATIVE FINE**

CASE NUMBER COD2003-00471  
CASE NAME Baxter  
APPEAL DATE February 17, 2005  
INVESTIGATOR Greg Camack

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Case initiated: Complaint

First viewed: January 10, 2005  
Violation seen from: N/B US 101, North of San Marcos Rd.  
Entry necessary? No  
Entry explanation: N/A

Violation(s) confirmed and letter sent on January 18, 2005 requiring compliance for violation of County Code.

SLOCC 22.01.080 Penalty for Violation  
SLOCC 22.01.060 Land Use Permit Required.

Description of violation:

On April 10, 2002, Jeff Baxter applied for Grading Permit to build "Private" Off Road Vehicle Course. This permit was issued on July 18, 2002. (#C7314)

On August 15, 2003, Code Enforcement staff began receiving citizen complaints about the use of an "Off Road Vehicle Course" in Ag Zoning and sent letters to the property owner(s) for further discussion. (COD2003-00070)

On October 15, 2003, Mr. and Mrs. Baxter, Assistant Director of Planning and Building, Pat Beck and Code Enforcement staff met. During that meeting, they were advised that the use was not allowed in Ag Zoning and the permit issued for this specific project was issued in error. At the conclusion of that meeting, Mr. and Mrs. Baxter agreed to stop the use as of October 28, 2003 and would submit this decision in writing to Investigator Voss. Enforcement case COD 2003-00070 was later closed as resolved.

On June 25, 2004, new citizen complaints began arriving about the continued use of this property/site as an Off Road Vehicle Course. Enforcement case COD 2003-00471 was now opened and investigated for "Use Not Allowed".

On August 18, 2004, Mr. Baxter was sent a notice that informed him that his Grading Permit # C7314 has been "Revoked" as it was issued in error due to use not being allowed and should never have been issued.

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On November 23, 2004, the Board of Supervisors held a hearing that addressed the use of Off Road Vehicle Courses on Ag Zoned lands. At that time and after several months of review with in-put from a variety of other sources, a decision was made. The BOS would not support the use of Ag land for this type of activity. The BOS recommended that property owners wishing to use their land in this way apply for a zoning change to Rural Lands and then submit the proper Land Use Permits.

On January 15, 2005, Deputies from the San Luis Obispo County Sheriff's Office responded to citizen complaint(s) of use, noise and dust, related to the use of this site as an Off Road Vehicle Course. At that time the Deputies confirmed the use of the track by Off Road Vehicles.

On January 18, 2005, I sent Notice of Violation to Jeff Baxter for violation(s) San Luis Obispo Code 22.01.080- Penalty for Violation and Section 22.01.060- Land Use Permit Required. In that notice, Mr. Baxter was required to **immediately stop** all use of the ORVC and to maintain that condition until all permits have been issued to legalize such use. At the same time, Mr. Baxter was given options as to how he could attempt to legalize this use.

On January 30, 2005, (12 days after NOV sent) I was paged by a Reporting Party and told that there were currently motorcyclists on the track. After my arrival, I did confirm at least 5 motorcyclists on the property and observed 4 riding the track at any one time.

On February 1, 2005, I issued Administrative Fine in the amount of \$100.00 to Mr. Jeff Baxter. Appeal filed on February 17, 2005.

Was compliance achieved by due date?	No.
Was extension given or asked for?	No.
Was Fine mailed or delivered in person?	Mailed, Standard and Certified.